

A report of Orin E. Metcalfe, City Engineer, showing estimated cost of laying a bituminous surface treatment on South Congress Avenue from Riverside Drive to Barton Springs Road, was read and the matter referred to a conference of the Council with the City Manager and Consulting Engineer.

Councilman Mueller moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

The Council then recessed.

Approved: *J. M. McFadden*  
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 10, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; absent, Councilman Steck, 1.

The Minutes of the last meeting were read and Councilman Alford moved the adoption of same as read. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

WALLER BOULEVARD from the north line of Archway on the west side and the south line of Park Place on the east side to the west line of Speedway; Unit or District No. P-176;

THIRTIETH STREET from the west line of Speedway to the east line of Guadalupe Street, Unit or District No. P-177;

NORTH GUADALUPE STREET from the south line of Twenty-ninth Street to the south line of East Drive in Central Park, District No. P-178;

NORTH GUADALUPE STREET from the south line of East Drive in Central Park to the south line of Thirtieth Street, Unit or District No. P-179;

TWENTY-NINTH STREET from the west line of North Guadalupe Street to the east line of Guadalupe Street, Unit or District No. P-180;

DUVAL STREET from the north line of Waller Boulevard to the north line of Twenty-ninth Street, District No. P-181;

PRIVATE WAY OR ALLEY between 2nd and 3rd Streets in Block 19, from the west line of Congress Avenue to the east line of Colorado Street, Unit or District No. P-69;

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned streets and within the limits above stated,

or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing would now be heard from, and thereupon the following persons appeared and were heard:

On Waller Boulevard - District No. P-176:

Mrs. Nella T. Evans stated that her property was irregular in shape and the cost of the paving would be more than she could realize from the sale of the lot; that she had been to great expense for paving on other streets and was not financially able to pay for this paving, and would not pay for same.

On Twenty-Ninth Street - District No. P-180:

A. Jacobsen stated that he saw no necessity for paving this street as there was very little traffic on same and that his property would not be enhanced in value any by reason of such paving.

M. H. Crockett stated that he thought the paving would increase property values on said street as it would bring more traffic there and would be a connecting link to other streets, and that he wished to see same paved.

On Thirtieth Street - District No. P-177:

Miss Perrenot stated that she wished to especially protest the widening of said street to 36 feet, as this would add to the cost to the property owners and would also injure some valuable pecan trees on her property. She stated that she was not financially able to pay for paving, but would be willing to assume same if the street were made a width of 30 feet, but would claim homestead exemption rights if the street were made 36 feet.

O. H. Stumpf protested the paving of the street on account of economic conditions, also the widening of the street to 36 feet, and stated that the amount of traffic on said street did not justify the paving of same at all.

Miss Margaret Cotham stated that she was not financially able to pay for paving, and especially protested against the widening of the street and the rate on same.

Miss Eleanor Johnson, representing her father, Otto Johnson, stated that at present they were financially unable to pay for paving and would much prefer to have the street left as it is. She also stated that she thought the present width of the street sufficient.

Fred A. Stumpf stated that the paving would run along the side of his property and would not enhance the value of same to the extent of the cost; that he objected to the 36 foot street, and thought that on account of economic conditions the paving should be postponed for a while.

Miss Jessie Miller stated that she was not financially able to pay for the paving and that her property was a homestead.

Walter M. Hall objected to the paving on account of present economic conditions.

Mrs. J. H. Varden stated that the City had cut her property into such irregular shape that it was hard to sell same and that she was not financially able to pay for the paving, though she was not opposed to same.

Mrs. Frank Seery stated that she was also not opposed to paving, but was financially unable to pay for same, and that the City had also cut her property into such irregular shape that it was hard to dispose of same.

No other property owners or interested persons appearing to be heard, the Mayor thereupon laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, CLOSING  
A HEARING GIVEN TO PROPERTY OWNERS ON PORTIONS  
OF WALLER BOULEVARD AND SUNDRY OTHER STREETS AND  
ALLEY IN THE CITY OF AUSTIN, AND DECLARING AN  
EMERGENCY.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The foregoing ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING WALLER BOULEVARD AND SUNDRY OTHER STREETS AND ALLEY IN THE CITY OF AUSTIN, AND FIXING A LIEN AGAINST PROPERTY ABUTTING ON SAID STREETS AND ALLEY, AND A PERSONAL CHARGE AGAINST THE OWNERS THEREOF, AND PROVIDING FOR THE COLLECTION THEREOF, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The hearing on West Lynn Street from the north line of Sixth Street to the north line of Twelfth Street, Unit or District No. P-161, was opened and continued until the next regular meeting.

The Mayor then laid before the Council the following ordinance:

ORDINANCE CANCELLING CONTRACT WITH SOUTHWEST BITULITHIC COMPANY FOR THE IMPROVEMENT OF TWELFTH STREET FROM THE WEST LINE OF BLANCO STREET TO THE EAST LINE OF WEST LYNN STREET IN THE CITY OF AUSTIN.

The above ordinance was read the first time and laid over.

The Mayor laid before the Council the following report of Orin E. Metcalfe, City Engineer, upon the advisability of opening the alley south of Thirtieth Street and west of Speedway:

"Austin, Texas, September 9, 1931.

Mr. Adam R. Johnson,  
City Manager,  
Austin, Texas.

Dear Sir:

Mr. Walter M. Hall, of 111 West 30th Street, appeared before the Council September 3rd, 1931, and requested that the Council have the alley opened in the rear of Lots 5, 6, 7, and 8, in Block 4 of the Grooms Addition, which alley is one-half block south of and parallel to 30th Street.

I have made an investigation and find that the alley referred to is a blind alley running only as far east as Lot 5 on the north and Lot 12 on the south, and that it is impractical for it to ever run easterly to Speedway.

The north lots in this block are owned by the following: Charles Yeoman, Lot 5; Mrs. C. A. D. Hall, Lot 6; B. C. Mollberg, Lot 7; William L. Oertli, Lot 8; and C. P. Davis, Lot 13.

The south lots are owned by the following: Uncas Johnson, Lot 9; G. H. Brush, Lot 10; Mrs. George Christian, Lot 11; and Mrs. C. D. Rice, Lot 12.

There is a portion of a street south of Lots 9 to 12, inclusive, and there is a street dedicated west of the tier of lots in question.

I have been upon the ground and do not see anything to prevent Mr. Hall from opening up his fence and entering into the existing alley. The planting placed by the neighbors is not an impediment to its use, and Mr. Hall evidently has a legal right to the use of the alley. It will not be a practical alley for the City to use for the collection of trash and garbage as it is a blind alley and is impossible for city trucks to turn around in same. The street west of the property involved is a blind street ending in Twenty-ninth Street. Twenty-ninth Street in actual fact being Waller Creek and is in such condition that no street can be made at a reasonable cost, and I do not recommend the development of Twenty-ninth Street.

The opening of the alley south of Mr. Hall's property would not give him or any other user of the alley a way out during the street paving program as Twenty-ninth Street is not and cannot be opened.

Respectfully submitted,

(Sgd) Orin E. Metcalfe, City Engineer."

Mr. Walter M. Hall was present when the above report was read. After a discussion of the matter, no further action was taken.

The Mayor laid before the Council the following resolution:

WHEREAS, C. F. Alford has requested the City of Austin to grant him a permit to set his curb back on 21st Street between Speedway and Wichita Streets; and

WHEREAS, the City Council of the City of Austin has considered said request; therefore, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission be granted to C. F. Alford, owner of Lot 52 of the Lewis Horst Addition, and Outlet 18, Division "D", to construct a ramp and set his curb back on 21st Street adjacent to his property in accordance with the following conditions:

(1) That a concrete curb not less than 6" high be constructed between the regular gutter location and the sidewalk area.

(2) That a concrete gutter be constructed opposite the proposed curb set back.

(3) That a concrete ramp between the gutter line and the proposed new curb line be constructed of concrete which has a strength which will be equal to or better than concrete composed of 1 part cement, 2 parts sand and 4 parts gravel.

(4) That all work shall be constructed in accordance with plan 2-K-178, which accompanies this resolution, and which is made a part hereof, and the expense incident to said revised construction program shall be borne by the applicant.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on Travis Heights Boulevard, Unit No. P-142, except that portion abutting the property of J. O. Baggett and L. R. Yarrington, the same being homesteads; and on Monroe Street, Unit No. P-141, except that portion abutting the property of J. Roy White, the same being a homestead, in accordance with the plans and specifications, and recommending the acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolutions:

RESOLUTION ACCEPTING STREET IMPROVEMENTS  
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY  
ON A PORTION OF EAST MONROE STREET IN THE  
CITY OF AUSTIN, PROVIDING FOR PAYMENT OF  
ANY BALANCE DUE BY THE CITY FOR ITS PORTION  
OF THE COST OF SAID IMPROVEMENTS AND FOR  
THE DELIVERY OF CERTIFICATES OF ASSESSMENTS  
AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

EAST MONROE STREET from the east line of East Side Drive to the west line of Travis Heights Boulevard, known and designated as Unit or District No. P-141; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of East Monroe Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of the cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

RESOLUTION ACCEPTING STREET IMPROVEMENTS  
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY  
ON A PORTION OF TRAVIS HEIGHTS BOULEVARD IN  
THE CITY OF AUSTIN, PROVIDING FOR PAYMENT OF  
ANY BALANCE DUE BY THE CITY FOR ITS PORTION  
OF THE COST OF SAID IMPROVEMENTS AND FOR  
THE DELIVERY OF CERTIFICATES OF ASSESSMENT  
AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit;

TRAVIS HEIGHTS BOULEVARD from the south line of Riverside Drive to the south line of Lot 7, Block 21, Travis Heights Addition on west side, and Lot No. 25, Block 34, Travis Heights Addition on east side of street, known and designated as Unit or District No. P-142, and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of Travis Heights Boulevard hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

## II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

## III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Roll or Statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on Fourteenth Street from east property line of Red River Street to the west property line of East Avenue, known and designated as Unit or District No. P-173; Sabine Street from the north property line of Fourteenth Street to the south property line of Fifteenth Street, known and designated as Unit or District No. P-174; Thirtieth Street from the west line of Guadalupe Street to the west line of Rio Grande Street on the south side and the east line of Alley east of Washington Square on north side of street, known and designated as Unit or District No. P-182A; Thirtieth Street from the west line of Rio Grande Street on the south side and the east line of Alley east of Washington Square on the north side of street to the east line of West Avenue (formerly Pearl Street) known and designated as Unit or District No. 182B, was read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING  
ESTIMATES OF THE COST OF IMPROVEMENTS  
AND OF AMOUNTS TO BE ASSESSED FOR  
IMPROVEMENTS ON A PORTION OF FOURTEENTH  
STREET AND PORTIONS OF SUNDRY OTHER  
STREETS IN THE CITY OF AUSTIN, TEXAS,  
FIXING TIME AND PLACE FOR HEARING TO  
THE OWNERS OF ABUTTING PROPERTY AND  
DIRECTING THE CITY MANAGER TO GIVE  
NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the herein below mentioned portions of highways to be improved by raising, grading and filling, and installing concrete curbs and gutters, and by paving with two inch Warrenite Bitulithic Wearing Surface on a five inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the Consulting Engineer to prepare and file estimate of the cost of such improvements, and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimates have been examined;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

## I.

That such estimates be and they are adopted and approved.

## II.

That it is hereby found and determined that the cost of improvements on each such portion of highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the abutting property and the owners thereof, on each such portion of street or highway are as follows, to-wit:



FOURTEENTH STREET from the east property line of Red River Street to the west property line of East Avenue, known and designated as Unit or District No. P-173. Estimated cost of improvements is \$6331.80. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements, exclusive of curb and gutter, is \$3.827. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.477.

SABINE STREET from the north property line of Fourteenth Street to the south property line of Fifteenth Street, known and designated as Unit or District No. P-174. Estimated cost of improvements is \$2487.45. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements, exclusive of curb and gutter, is \$3.783. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.433.

THIRTIETH STREET from the west line of Guadalupe Street to the west line of Rio Grande Street on the south side and the east line of Alley east of Washington Square on north side of street, known and designated as Unit or District No. P-182A. Estimated cost of improvements is \$3352.65. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.894. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.544.

THIRTIETH STREET from the west line of Rio Grande Street on the south side and the east line of Alley east of Washington Square on the north side of street to the east line of West Avenue (formerly Pearl Street), known and designated as Unit or District No. P-182B. Estimated cost of improvements is \$3078.43. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.037. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.687.

### III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to allowing and claiming any property abutting upon any of said portions of streets and highways, as well as all owning and claiming any interest in any such property. Such hearing shall be given and held on the 24th day of September, A. D. 1931, at 10:00 o'clock A. M., in the regular Council meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts, in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held on November 24th, 1928. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Roll or Statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements to be constructed on Wabash Avenue from the north property line of Thirty-fourth Street to the south property line of Thirty-Eighth Street, known and designated as Unit or District No. P-168; Alice Avenue from the north property line of Thirty-Eighth Street to the south property line of Fortieth Street, known and designated as Unit or District No. P-170; Alice Avenue from the south property line of Fortieth Street to the north property line of Forty-Second Street, known and designated as Unit or District No. P-171; Alice Avenue from the north line of Forty-Second Street to a line crossing Alice Avenue at right angles from the point of intersection of the City Limits line with the west line of said Alice Avenue, known and designated as Unit or District No. P-172; and Thirty-Eighth Street from east line of Wabash Avenue on south side and west line of Alley east of Alice Avenue on north side of street to east line of alley west of Wabash Avenue on south side and west line of Alice Avenue on north side of street, known and designated as Unit or District No. P-169, was read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATES OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF WABASH AVENUE AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, FIXING TIME AND PLACE FOR HEARING TO THE OWNERS OF ABUTTING PROPERTY AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the hereinbelow mentioned portions of highways to be improved by raising, grading, and filling, and installing concrete curbs and gutters, and by paving with two inch Warrenite Bitulithic Wearing Surface on a five inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the Consulting Engineer to prepare and file estimate of the cost of such improvements, and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimates have been examined.

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That such estimates be and they are adopted and approved.

II.

That it is hereby found and determined that the cost of improvements on each such portion of highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the abutting property and the owners thereof, on each such portion of street or highway, are as follows, to-wit:

WABASH AVENUE from the north property line of Thirty-Fourth Street to the south property line of Thirty-Eighth Street, known and designated as Unit or District No. P-168. Estimated cost of improvements is \$8556.08. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.005. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.655.

ALICE AVENUE from the north property line of Thirty-Eighth Street to the south property line of Fortieth Street, known and designated as Unit or District No. P-170. Estimated cost of improvements is \$9062.32. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.870. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.520.

ALICE AVENUE from the south property line of Fortieth Street to the north property line of Forty-Second Street, known and designated as Unit or District No. P-171. Estimated cost of improvements is \$8553.27. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.866. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.516.

ALICE AVENUE from the north line of Forty-Second Street to a line crossing Alice Avenue at right angles from the point of intersection of the City Limits line with the west line of said Alice Avenue, known and designated as Unit or District No. P-172. Estimated cost of improvements is \$10875.51. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.871. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.521.

THIRTY-EIGHTH STREET from east line of Wabash Avenue on south side and west line of Alley east of Alice Avenue on north side of street to east line of Alley west of Wabash Avenue on south side and west line of Alice Avenue on north side of street, known and designated as Unit or District No. P-169. Estimated cost of improvements is \$1965.90. Estimated amount per front foot to be assessed for curb and gutter is \$.65¢. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.426. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.076.



## III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning and claiming any property abutting upon any of said portions of streets and highways, as well as all owning and claiming any interest in any such property. Such hearing shall be given and held on the 24th day of September, A. D. 1931, at 10:00 o'clock A. M., in the regular Council meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts, in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held on November 24th, 1926. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Roll or Statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on East Sixteenth Street from the east property line of East Avenue to the east property line of Navasota Street, known and designated as Unit or District No. 52, was read and filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATES  
OF THE COST OF IMPROVEMENTS AND OF AMOUNTS  
TO BE ASSESSED FOR IMPROVEMENTS ON A POR-  
TION OF EAST SIXTEENTH STREET IN THE CITY  
OF AUSTIN, TEXAS, FIXING TIME AND PLACE FOR  
HEARING TO THE OWNERS OF ABUTTING PROPERTY  
AND DIRECTING THE CITY MANAGER TO GIVE  
NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the hereinbelow mentioned portion of highway be improved by raising, grading and filling, and installing concrete curbs and gutters, and by paving with two inch Warrenite Bitulithic Wearing Surface on a five inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the City Consulting Engineer to prepare and file estimate of the cost of such improvements, and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimate has been examined.

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

## I.

That such estimate be and the same is hereby adopted and approved.

## II.

That it is hereby found and determined that the cost of improvements on such portion of highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the abutting property and the owners thereof, on such portion of street or highway, are as follows, to-wit:

EAST SIXTEENTH STREET from the east property line of East Avenue to the east property line of Navasota Street, known and designated as Unit or District No. 52. Estimated cost of improvements is \$6187.59. Estimated amount per front foot to be assessed for curb and gutter is \$.659. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.070. Total estimated

amount per front foot to be assessed against abutting property and its owners is \$3.720.

### III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning and claiming any property abutting upon any of said portion of street and highway, as well as all owning and claiming any interest in any such property, Such hearing shall be given and held on the 1st day of October, A. D. 1931, at 10:00 o'clock A. M. in the regular Council meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts, in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held November 24th, 1928. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council for its second reading the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF A PORTION OF TENTH STREET AND A PORTION OF TRINITY STREET IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, PROVIDING FOR THE PAYMENT OF THE COST THEREOF, AND MAKING AN APPROPRIATION TO PAY THE CITY OF AUSTIN'S PORTION OF SUCH COST.

The above ordinance was read the second time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST FORTY-FIFTH STREET from Red River Street easterly to the City limits, the center line of which gas main shall be 7 feet south of and parallel to the north line of said East Forty-fifth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in RED RIVER STREET ALLEY from East Forty-Fifth Street northerly to the City limits, the center line of which gas main shall be 5 feet west of and parallel to the east line of said Red River Street Alley. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in MORNINGSIDE AVENUE from West Thirty-Eighth Street to West Fortieth Street, the center line of which gas main shall be 5 feet east of and parallel to the center line of said Morningside Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in MORNINGSIDE AVENUE from West Fortieth Street to West Forty-Second Street, the center line of which gas main shall be 25 feet east of and parallel to the west line of said Morningside Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in MORNINGSIDE AVENUE from West Forty-Second Street to West Forty-Fifth Street, the center line of which gas main shall be 40 feet east of and parallel to the west line of said Morningside Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in ALICE AVENUE from West Forty-Fourth Street to West Forty-Fifth Street, the center line of which gas main shall be 21 feet east of and parallel to the center line of said Alice Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(7) A gas main in WABASH AVENUE from the north line of Champa Street to the south line of Champa Street, the center line of which gas main shall be 17 feet west of and parallel to the center line of said Wabash Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(8) A gas main in WABASH AVENUE from the north line of West Thirty-Fifth Street to the south line of West Thirty-Fifth Street, the center line of which gas main shall be 17 feet west of and parallel to the center line of said Wabash Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(9) A gas main in WABASH AVENUE from the north line of West Thirty-Fourth Street Alley to the south line of West Thirty-Fourth Street Alley, the center line of which gas main shall be 17 feet west of and parallel to the center line of said Wabash Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(10) A gas main in WABASH AVENUE from the north line of Champa Street alley to the south line of Champa Street alley, the center line of which gas main shall be 18 feet east of and parallel to the center line of said Wabash Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(11) A gas main in WABASH AVENUE from the north line of Champa Street to the south line of Champa Street, the center line of which gas main shall be 18 feet east of and parallel to the center line of said Wabash Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(12) A gas main in WABASH AVENUE from the north line of West Thirty-Fourth Street Alley to the south line of West Thirty-Fourth Street alley, the center line of which gas main shall be 18 feet east of and parallel to the center line of said Wabash Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(13) A gas main in BARROW STREET from East Forty-Fifth Street southerly approximately 250 feet, the center line of which gas main shall be 19 feet west of and parallel to the east line of said Barrow Street. Said gas main described above shall have a cover of not less than 3½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND that wherever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Alford moved that the work done by Raymond Canion under Street Improvement Bond Fund Contract #51, being for filling in washed out channel of Bouldin Creek Cut-Off between Spillway and Barton Springs Road, be accepted, in accordance with the recommendation of the Consulting Engineer, and that the City Manager be authorized to make final payment on same. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Alford moved that the work done by W. G. Cullum & Company under Street Improvement Bond Fund Contract No. 48, and extension thereto, being the Rosewood Storm Sewer System from Rosewood Avenue to the City Cemetery, be accepted, in accordance with the recommendation of the Consulting Engineer, and that the City Manager be directed to pay final estimate on same. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Alford moved that the bid of Joe Macken on Street Improvement Bond Fund Contract No. 56, being for rip rap in Bouldin Creek Cut-Off just north of Barton Springs Road, in the amount of \$2812.50, same being the lowest bid submitted for said work, be accepted, and the City Manager be authorized to enter into contract with said Joe Macken accordingly. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

M. H. Crockett presented a written communication to the Council, urging that the City proceed immediately with the laying of the proposed bituminous surface treatment on South Congress Avenue from Riverside Drive to Barton Springs Road for the reasons outlined in said communication. An estimate of the cost of this surfacing, prepared by the City Engineer, was also read. The Council took the matter under further advisement.

The following communication from W. T. Caswell, Chairman of the City Park Board, was read and ordered filed:

"Austin, Texas, September 10, 1931.

Hon. Mayor and City Council,  
Austin, Texas.

Gentlemen:

This is to inform you that your Park Board at its meeting in the City Hall Wednesday afternoon, September 9th, passed the following resolution:

BE IT RESOLVED that the Park Board is interested and looks with favor on the City's acquiring the Zilker tract, and offers its services, if so desired, in its proper future development.

BE IT FURTHER RESOLVED that until such time as the city acquires this property, or any other, we expect to continue our present program of development as budgeted.

Respectfully,

(Sgd) W. T. Caswell,  
Chairman, City Park Board. "

The Mayor laid before the Council the following resolution:

WHEREAS, on May 18, 1931, A. J. Zilker submitted his proposition to the Board of Trustees of the Public Free Schools of the City of Austin that he would convey by good and sufficient Warranty Deed to said Board of Trustees, and their successors and assigns, four tracts of land in Travis County, Texas, fronting on the Colorado River, Barton Creek and

the Bee Cave Road, and consisting of what is known as the Dohme Place, the Copes Place and the Hunter Place, and a part of the Walsh Place; and being all of the land owned by said Zilker between Barton Creek and the Bee Cave Road on the east and south, the Colorado River on the north, and the Dellana property on the west, and containing between 250 and 300 acres of land, more or less, the conveyance of the Dohme tract to be subject to an existing lease to Butler Brick Works of a small tract out of said Dohme Place for the removal of clay therefrom for the manufacture of brick, and also subject to an existing agricultural lease to A. J. Zilker, Jr., for the year 1931; and also the tract of about 25 acres or more of land on the north side of the Colorado River opposite the Dohme Place, and now leased and occupied by the Butler Brick Works as a brickyard, the conveyance of the said last named tract to be made subject to said lease; all of said property to be conveyed by said A. J. Zilker to said Board of Trustees, subject to the following terms and conditions, to-wit:

1. That the City of Austin shall purchase from said Board of Trustees the premises above described, to be used for public park purposes only, for the sum of \$200,000.00, payable by the City of Austin to said Board of Trustees, or its successors and assigns, in twenty equal annual installments of \$10,000.00 each, with interest from the date of conveyance thereof to the City, at the rate of 6 percent per annum, interest payable annually, such payments to be made by the City of Austin out of such fund or funds as it may see proper to devote to such purpose, but adequate and legal provision shall be made by said City for such payment of said consideration as may be required by the Charter of said City and the laws of the State of Texas, and in addition thereto, such consideration shall be secured by the reservation of a vendor's lien on the premises to be so conveyed, until the full and final payment of such consideration; both conveyances by said A. J. Zilker to said Board of Trustees, and by said Board of Trustees to the City of Austin, to be made and delivered contemporaneously.

2. The proceeds derived from the sale of said properties to the City of Austin by said Board of Trustees for the consideration and in the manner above stated, shall constitute a part of the existing Trust Fund now held and used by said Board of Trustees, and its successors and assigns, for the equipment, maintenance and promotion of the needs and best interests of the Schools of Manual Training in the City of Austin, Texas, for the instruction of boys and girls of the City of Austin, Texas, in the useful arts and sciences, as said schools now exist or may hereafter exist as a part of the public free school system of said City, the income from the fund thus derived to be used and expended for the purposes named under the sole and absolute direction and at the sole discretion of said Board of Trustees and its successors in office; and

WHEREAS, the Board of Trustees of the Public Free Schools of the City of Austin has submitted its proposition to the City Council to convey said premises to the City of Austin, for the purposes and consideration and upon the terms and conditions expressed in the proposition of said A. J. Zilker to said Board of Trustees, as hereinabove set out; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the proposition of the Board of Trustees of the Public Free Schools of the City of Austin to convey said premises to the City of Austin, for the purpose and consideration and upon the terms and conditions expressed in said proposition of said A. J. Zilker to said Board of Trustees, be and the same is hereby conditionally accepted, insofar as the City Council has the legal power and authority to do so, provided, that the proposition of said A. J. Zilker to said Board of Trustees, and the proposition of said Board of Trustees to the City of Austin,

be so amended as to permit the City of Austin to pay the consideration of \$200,000.00 for the purchase of said premises, in twenty equal annual installments of \$10,000.00 each, with interest from the date of conveyance thereto to the City at the rate of five (5%) percent per annum, the deferred payments to be evidenced by the notes of the City of Austin, payable serially on or before one to twenty years after date, both inclusive; and the City Council hereby commits itself that, in event said propositions are amended as before stated, and for the purpose of making adequate and legal provision for the payment of said consideration as required by the Charter of the City of Austin and the laws of the State of Texas, it will submit said proposition, as so amended, to the qualified voters of the City of Austin for their action thereon at an election to be called for that purpose, for such date as the City Council may hereafter determine.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The City Manager was authorized by the Council to have curb put in around platform of the Butler property at Third and Neches Streets to relieve condition caused by the laying of pavement there.

Councilman Mueller moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Council then recessed.

Approved: C. H. McFadden  
Mayor.

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 17, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; absent, Councilman Steck, 1.

The Minutes of the last meeting were read and Councilman Alford moved the adoption of same as read. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

A committee from the Ben Hur Shrine, composed of Horace Barnhart and others, appeared before the Council and asked that they be given permission to bring the Harley Sadler Tent Theatre here for a period of about six weeks, the proceeds from same to be used to defray the expenses of said Shrine to the San Francisco Convention in 1932. Skinny Pryor, Manager